

Telephone Interview Summary

A telephone interview was held on Tuesday morning, June 23, 2009 with the following attendees: Examiner Karlheinz R. Skowronek and Applicant's Representative John A. Garrity Registration No. 60,470. The Applicant's Representative contacted the Examiner directly to discuss the rejections under 35 USC 101 and 35 USC 112, first and second paragraphs, and to discuss possible amendments to further prosecution of the application.

The Applicant's Representative noted that the rejections were applied in this Office Action dated April 1, 2009 which was received after the Applicant received a Notice of Panel Decision from Pre-Appeal Brief Review dated January 28, 2009. The Applicant's Representative noted that the Notice of Panel Decision indicated that Prosecution was reopened and the rejection was withdrawn. It was further noted by the Applicant's Representative that, apparently contrary to the indication that the rejection was withdrawn, all of the original rejections were again reapplied in this Office Action, as well as additional rejections under 35 USC 101 and 35 USC 112, first and second paragraphs. The Applicant's Representative contested the rejections.

Regarding the rejections under 35 USC 101 and 35 USC 112, first and second paragraphs, the Examiner discussed reasons why these rejections were applied. The Applicant questioned the Examiner on amendments to overcome these rejections. The Examiner proposed amendments to claims 19-21 and 24-36 that, the Examiner indicated, would overcome the 35 USC 101, and 35 USC 112, first and second paragraph rejections. The Examiner did provide comments regarding particular amendments to claims 37-46. The Applicant's Representative noted that these claims were similarly entered in the originally filed application and are similarly shown in the published application. No agreement was reached.

Regarding the rejections under 35 USC 103(a), the Applicant's Representative, noted disagreement with the rejections but proposed potential amendments for the Examiner's review. The Examiner was unable to provide comments regarding these proposed amendments during the Interview, but the Examiner did acknowledge his willingness to review faxed amendments to

S.N.: 10/797,359
Art Unit: 1631

further prosecution. The Applicant's Representative faxed the Examiner proposed amendments for the Examiner's review on June 25, 2009.

It is believed that the above interview summary should constitute a full and appropriate response to any interview summary subsequently sent by the Examiner. As such, should such an Examiner Interview Summary be received, no further response will be submitted thereto.